

SUSMAN GODFREY L.L.P.

April 22, 2025

Hon. Ona T. Wang
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *The New York Times Company v. Microsoft Corporation, et al.*,
No.: 23-cv-11195-SHS: Opposition to Letter Motion for Extension of Time
to File Answer, ECF 525

Dear Magistrate Judge Wang:

Plaintiff The New York Times Company (“The Times”) respectfully opposes OpenAI’s request for an additional extension of time to file its answer. *See* ECF No. 525. As OpenAI acknowledges, the Court has already granted it a prior extension to file its answer. *See* ECF No. 519. And, given that The Times’ Second Amended Complaint only amends its 17 U.S.C. § 1202(b)(1) claim against OpenAI to mirror the Daily News and CIR complaints, an additional extension of time is unwarranted. The Times moved to amend promptly after Judge Stein’s April 4, 2025, opinion issued and neither defendant opposed its request. And, OpenAI is required to respond to these very same allegations in responding to the Daily News and CIR complaints—for which it has not sought an extension. OpenAI will incur no prejudice from being required to respond to the same allegations in The Times’s complaint by April 29, 2025. In contrast, the requested extension would prejudice the Times by causing additional delay and impeding discovery, including on OpenAI’s potential affirmative defenses.

The Times submits that no extension is warranted. At the very least, OpenAI’s requested extension of an additional *21 days* from the date the Court decides The Times’s motion for leave to amend is excessive—especially given that OpenAI has had The Times’s original complaint for 16 months and the Daily News and CIR complaints (which contain nearly identical § 1202(b)(1) allegations) for 12 and 10 months respectively. *Cf.* Fed. R. Civ. P. 15(a)(3) (“Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or *within 14 days after service of the amended pleading.*”). There is no reason for this delay. The Times respectfully requests that the Court deny OpenAI’s request for an extension.

Respectfully submitted,

/s/ Ian B. Crosby
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Susman Godfrey L.L.P.

/s/ Steven Lieberman
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Rothwell, Figg, Ernst & Manbeck

cc: All Counsel of Record (via ECF)